

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ATLANTIC CASUALTY INSURANCE COMPANY

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER
07 CIV 4098

FORTHRIGHT CONSTRUCTION, INC.,
WONDER WORKS CONSTRUCTION CORP.,
AND VASILIS AFTOUSMIS, and CONSTANTIA
AFTOUSMIS

TO: (Name and address of defendant)

Vasilis and Constantia Aftousmis
97 Quentin Road
Brooklyn, New York 11223

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cyril E. Smith, Esq.
Nixon Peabody LLP
437 Madison Avenue
New York, New York 10022
(212) 940-3026

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAY 25 2007

CLERK

DATE

(BY) DEPUTY CLERK

AO 440 (Rev. 10/93) Summons In a Civil Action -SDNY WEB 4/99

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p style="text-align: center;">I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>Executed on _____</p> <p style="text-align: center;">Date</p> </div> <div style="width: 45%;"> <p>_____ Signature of Server</p> <p>_____ Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



COURT UNITED STATES DISTRICT COURT
 COUNTY OF SOUTHERN DISTRICT OF NEW YORK
 ATLANTIC CASUALTY INSURANCE COMPANY

Index No. 07 CIV 4098

against
 FORTWRIGHT CONSTRUCTION, INC. ET AL.

Plaintiff(s)

Defendant(s)

**AFFIDAVIT OF
 SERVICE OF SUMMONS
 (AND COMPLAINT)**

IN A CIVIL CASE, COMPLAINT FOR
 DECLARATORY JUDGMENT AND MONEY
 JUDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at BROOKLYN, NEW YORK
 That on 5/30/07 at 4:00 P.M., at 1225 80TH STREET, BROOKLYN, NEW YORK
 deponent served the within summons, and complaint on CONSTANTIA AFTOUSMIS defendant therein named,
 IN A CIVIL CASE, COMPLAINT FOR
 DECLARATORY JUDGMENT AND MONEY
 JUDGMENT

INDIVIDUAL

1. ☒

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐

a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☐

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 45A. ☐MAILING TO
BUSINESS
USE WITH 3 OR 45B. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3☒

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input checked="" type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.☐

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE☒

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
 6/1/07

JOHN DICANIO
 Notary Public, State of New York
 No. 01D1497768
 Qualified in Westchester County
 Commission Expires Feb. 11, 2011

THOMAS HUANG
 PRINT NAME BELOW SIGNATURE
 License No. 1249141



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INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as
 1. ☐ said defendant therein.
 CORPORATION a corporation, by delivering thereat a true copy of each to
 2. ☐ personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.
 SUITABLE AGE PERSON by delivering thereat a true copy of each to CONSTANTIA AFTOUSMIS (WIFE) a person of suitable age
 3. ☒ and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.
 AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—
 4. ☐ usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILED ON: 6/1/07 AT 3:00 P.M.

MAILING TO
 RESIDENCE
 USE WITH 3 OR 4

5A. ☒

MAILING TO
 BUSINESS
 USE WITH 3 OR 4

5B. ☐

DESCRIPTION
 USE WITH
 1, 2, OR 3

☒

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at 1225 80TH STREET, BROOKLYN, N.Y. 11228 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.
 Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

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